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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,838	05/01/2001	Masayuki Tani	500.31754CX2	2305

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EXAMINER

MENGISTU, AMARE

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 03/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/845,838

Applicant

Masayuki Tani et al

Examiner

AMARE MENGISTU

Art Unit

2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Nov 7, 2001

2a)  This action is **FINAL**. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 103-111 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 103-111 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. 08/328,566.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7

20)  Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 U.S.C. § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 103-104,107-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (4,992,866).

As to claims 103-104,107-111 Morgan discloses an image searching method for searching a video image using a computer (fig.1 "20"), in correspondence with a camera (fig.1 "34,36"), subject data in an area capable of being imaged by the camera for imaging the video image, comprising: a search key designating step for designating a search key by inputting a pattern (see, col.2, lines 63-col.3, lines 8; fig.1 "30","44"); a video image searching unit (fig.1 "20", col.3, lines 34-58), a display unit (fig.1 "22,24,26,28"), a synthesized display unit which synthesizes a graphics on the video image (Col.3, lines 49-58, col.4, lines 54-65); an area designation unit which designates an area of the video image on the screen displayed by the display unit (fig.1 "30"); a process defining unit which defines an operation process to be executed when an event is executed at the area designated by the area designating unit (fig.1 "20").

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Morgan did not explicitly disclose a computer which stores. However, it is well known in the art for a computer to have a storage device in order to store information.

3. Claims 105 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al in view of and Lang (5,021,878).

In regard to claims 105 and 106 Morgan et al teaches a search key using a graphic, but has failed to teach to voice as search key. However, the patent to Lang states that the remote control station includes an audio and a video control signals for controlling an animated characters and (see, Abstract, also see, col.1, lines 37-62) and the speech pedal (220) is used to select restored speech for transmission, via the audio system (see, col.4, lines 50 - col.5, line 2).

Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to have incorporated the use of an audio to control an apparatus as taught by Lang into the system of Morgan et al since this is an advantage for the device of Morgan et al to because this will avoid the use of wires or other umbilical type connections which takes away from the purpose of simulating human life.

4. *Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.*

***Any response to this action should be mailed to:***

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*Commissioner of Patents and Trademarks*

*Washington, D.C. 20231*

**or faxed to:**

*(703) 872-9314, (for formal communications intended for entry)*

**Or:**

*(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).*

*Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703)306-0377*

*A. Mengistu*

*Art unit 2673*

*March 7, 2002*

  
Amare Mengistu  
Primary Examiner